

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SCOTT LOUIS PANETTI,	§	
<i>Petitioner,</i>	§	
	§	
v.	§	
	§	CIV. NO. 1:04-cv-00042-RP
BOBBY LUMPKIN, Director,	§	(Death Penalty Case)
Texas Department of Criminal	§	
Justice, Correctional Institutions	§	
Division,	§	
<i>Respondent.</i>	§	

**RESPONDENT’S OPPOSITION TO MOTION TO AMEND
SCHEDULING ORDER**

This case is on remand for this Court to “determine afresh [Petitioner’s] competency to be executed.” *Panetti v. Davis*, 863 F.3d 366, 378 (5th Cir. 2017). Following a stay, the case was reopened in this Court in August 2021 at the conclusion of Petitioner’s state habeas proceedings. ECF No. 239. The parties each provided a proposed scheduling order to govern the forthcoming evidentiary hearing. ECF Nos. 243, 244. This Court then entered a scheduling order advising that no further briefing will be necessary, setting the evidentiary hearing to begin October 11, 2022, and explicitly disallowing requests to reschedule the evidentiary hearing. ECF No. 251 at 1, 3. In light of this Court’s explicit instruction that the evidentiary hearing will not be rescheduled, and because the case will have been pending in this Court for more than a year when this Court holds the evidentiary hearing, Respondent

opposes Petitioner's request to amend the scheduling order insofar as it requests the date of the evidentiary hearing be rescheduled.

CONCLUSION

Respondent respectfully requests that the Court deny Petitioner's Motion to Amend Scheduling Order.

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CERTIFICATE OF SERVICE

I do hereby certify that on January 19, 2022, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Western District of Texas, using the electronic case-filing system of the Court. The electronic case-filing system sent a “Notice of Electronic Filing” (NEF) to the following counsel of record, who consented in writing to accept the NEF as service of this document by electronic means:

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